

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENNIS O'NEAL PERRY,

Plaintiff,

v.

JOHNSON, et. al.,

Defendants.

No. C 14-04320 HRL (PR)

ORDER OF DISMISSAL

On September 25, 2014, Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983. (Docket No. 1.) On March 10, 2015, the Court dismissed the complaint with leave to amend and granted his motion for leave to proceed *in forma pauperis*. (Docket Nos. 3 and 4.) Plaintiff was directed to file an amended complaint within twenty-eight days or face dismissal of the action. (Docket No. 3.) The deadline has passed, and Plaintiff has failed to file an amended complaint. Accordingly, this action is subject to dismissal for failure to comply with the Court order.

This action is also subject to dismissal pursuant to Northern District Local Rule 3-11, which requires a party proceeding *pro se* to promptly file a notice of change of address while an action is pending. *See* L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the *pro se* party by the Court has been

1 returned to the Court as not deliverable, and (2) the Court fails to receive within sixty
2 days of this return a written communication from the *pro se* party indicating a current
3 address. *See* L.R. 3-11(b). On March 23, 2015, the copy of the Court order dismissing
4 the complaint with leave to amend was returned as undeliverable. (Docket No. 6.) On
5 March 24, 2015, the copy of the Court order granting leave to proceed *in forma pauperis*
6 was returned as undeliverable. (Docket No. 5.) As of the date of this order, Plaintiff has
7 not filed a notice of change of address or submitted any further pleadings in this case.
8 More than sixty days have passed since the mail addressed to Plaintiff was returned as
9 undeliverable. Accordingly, the instant civil rights action is DISMISSED without
10 prejudice pursuant to Rule 3-11 of the Northern District Local Rules.

11 The Clerk shall terminate any pending motions.

12 **IT IS SO ORDERED.**

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14 DATED: 6/2/15

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HOWARD R. LLOYD
United States Magistrate Judge